

REMARKS

Claim 1 has been amended to remove multiple occurrences of the term “preferably” and to replace the term “AU” with “herbicide a)” to provide proper antecedent basis. Claim 11 has been amended to correct a typographical error. The herbicide should read “clodinafop-propargyl” as cloquintocet-mexyl is already recited as the safener in Claim 11. Support for this amendment can be found in the specification as originally filed at page 7, lines 6-7. No new matter has been added.

Claims 1-21 are pending herein.

The Examiner requires election of a single disclosed species of safener disclosed in claim 7. Applicants elect quinoline derivative safeners, specifically cloquintocet-mexyl, as the single species. All pending claims are readable upon the elected species.

Reconsideration of the election requirement is respectfully requested. The examiner points to WO 02/067682 as teaching quinoline derivatives in herbicide emulsions and alleges that “the special technical feature appears to be taught in the art and therefore Unity of Invention does not exist”. However, claim 1 of the present application contains additional technical features such as oil adjuvants, solvents, pH ranges and water content which are not taught in the cited art and therefore, the Invention taken as a whole should be considered as having Unity.

Applicants aver that they have made a complete response to the restriction requirement of the Examiner and that the instant application and claims are now in better condition for examination on their merits and for allowance.

As this response is submitted within three months from the mailing date of the Office Action, no additional fees are believed necessary.

However, in the event the undersigned is mistaken in his calculations, an appropriate extension of time to respond is respectfully requested, and the Commissioner is authorised to debit the appropriate fee for that extension, or any other fee, from the deposit account of the undersigned, no 50-1676 in the name of Syngenta Crop Protection, Inc.

Respectfully submitted,

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